



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

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Bob Wieckowski, Vice Mayor
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Suzanne Lee Chan

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Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
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Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
MARCH 23, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag: Led by Boy Scout Troop #273
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 **ANNUAL REPORT ON THE GENERAL PLAN AND HOUSING ELEMENT**
(PLN2010-00123)
Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Housing Element Implementation

Contact Person:

Name:	<i>Taryn Hanano</i>	<i>Dan Schoenholz</i>
Title:	<i>Planner II</i>	<i>Policy and Special Projects Manager</i>
Dept.:	<i>Community Development</i>	<i>Community Development</i>
Phone:	<i>510-494-4555</i>	<i>510-494-4438</i>
E-Mail:	<i>thanano@fremont.gov</i>	<i>dschoenholz@fremont.gov</i>

RECOMMENDATION:

- 1. *Hold public hearing.*
- 2. *Find the Annual Report is exempt from the California Environmental Quality*

Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).

3. *Find that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element and authorize staff to submit the Report to the appropriate State agencies.*

2.4 RECREATION COMMISSION REFERRAL - DESIGNATION OF 98 ACRES AS SABERCAT HISTORICAL PARK

Recreation Commission Referral - Designation of 98 Acres as Sabercat Historical Park

Contact Person:

*Name: Annabell Holland
Title: Director
Dept.: Parks and Recreation
Phone: 510-494-4329
E-Mail: aholland@fremont.gov*

RECOMMENDATION: Find the project is exempt from CEQA with no potential for a significant impact on the environment and designate the 98-acre area as the Sabercat Historical Park.

2.5 ACCEPTANCE OF \$203,000 EPA GRANT FOR STORMWATER FILTER PERFORMANCE TESTING

Acceptance of \$203,000 EPA Grant through the San Francisco Estuary Project to Evaluate the Pollutant Removal Effectiveness of a City Designed Tree Well Stormwater Filter

Contact Person:

<i>Name:</i>	<i>Shannan Young</i>	<i>Kathy Cote</i>
<i>Title:</i>	<i>Environmental Specialist II</i>	<i>Environmental Services Manager</i>
<i>Dept.:</i>	<i>Transportation and Operations</i>	<i>Transportation and Operations</i>
<i>Phone:</i>	<i>510-494-4584</i>	<i>510-494-4583</i>
<i>E-Mail:</i>	<i>syoun@fremont.gov</i>	<i>kcote@fremont.gov</i>

RECOMMENDATION:

1. *Accept \$203,000 US EPA grant funds to evaluate the City of Fremont designed tree well stormwater filter and authorize the City Manager or his designee to execute any agreements or other documents associated with the grant.*
2. *Appropriate \$203,000 of US EPA grant funds to 199PWC8728, and \$84,600 of City Urban Runoff Fund 123 balance to 123PWC8728 tree well stormwater filter project.*

2.6 RESOLUTION AUTHORIZING APPLICATION FOR FEDERAL JOBS FOR MAIN STREET ACT OF 2010 FUNDING FOR ASPHALT OVERLAY PROJECT

Adopt a Resolution Authorizing the Submittal of an Application to the Metropolitan

Transportation Commission for the Federal Jobs for Main Street Act of 2010 Funding for the 2010 Citywide Asphalt Overlay Project (PWC 8234-J)

Contact Person:

<i>Name:</i>	<i>Connie Wong</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Senior Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4782</i>	<i>510-474-4748</i>
<i>E-Mail:</i>	<i>cwong@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATIONS:

- 1. Adopt a resolution authorizing staff to submit an application to the Metropolitan Transportation Commission (MTC) for \$8,400,000 in funding from the federal Jobs for Main Street Act of 2010.*
- 2. Appropriate the amount in Jobs for Main Street Act of 2010 funding approved by MTC, if received, up to the amount of \$8,400,000 to the 2010 Citywide Asphalt Overlay Project, City Project No. PWC (8234-J).*

2.7 AMENDMENT TO SYSCO SERVICE AGREEMENT

Aqua Adventure Waterpark Amendment to Service Agreement with Sysco San Francisco, Inc.

Contact Person:

<i>Name:</i>	<i>Kim Beranek</i>	<i>Annabell Holland</i>
<i>Title:</i>	<i>Waterpark General Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Parks & Recreation</i>	<i>Parks & Recreation</i>
<i>Phone:</i>	<i>510-494-4330</i>	<i>510-494-4329</i>
<i>E-Mail:</i>	<i>kberanek@fremont.gov</i>	<i>aholland@fremont.gov</i>

RECOMMENDATION: Approve Amendment No. 1 to Service Agreement with Sysco San Francisco, Inc.

2.8 HUMMINGBIRD PUBLIC UTILITIES EASEMENT AND WATERLINE EASEMENT SUMMARY VACATION AT NORTHWEST CORNER OF BLACOW ROAD AND FREMONT BOULEVARD (PLN2010-00156)

Adopt a Resolution to Summarily Vacate Portions of a Public Utilities Easement and Waterline Easement on Portions of Lot 7, 8, 10, 11, 13, 14, and 15 of Tract 7862 Located Within the Robson Homes Hummingbird Development at the Northwest Corner of Blacow Road and Fremont Boulevard in the Irvington Planning Area

Contact Person:

<i>Name:</i>	<i>Clifford Nguyen</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4769</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>cnguyen@fremont.gov</i>	<i>jschwob@fremont.gov</i>

RECOMMENDATION:

1. Find Summary Vacation PLN2010-00156 exempt from CEQA per CEQA Guidelines Section 15305 because the vacation is a minor alteration in land use limitations that does not result in any land use or density changes.
2. Find Summary Vacation PLN2010-00156, as depicted and described on Exhibit "A," is in conformance with the General Plan for the reasons stated in the body of this report.
3. Find Summary Vacation PLN2010-00156, as depicted and described on Exhibit "A," fulfills the applicable criteria for summary vacation for the reasons stated in the body of this report.
4. Adopt a Resolution including the findings referenced above, and ordering the summary vacation of the portions of the PUE and WLE as depicted and described on Exhibit "A."
5. Direct the City Clerk to record the Resolution of Summary Vacation for PLN2010-00156 with the Alameda County Recorder, returning a copy of the recorded Resolution to the Planning and Engineering Divisions of the Community Development Department for their respective files.

- 2.9 CROWN HOMES DEVELOPMENT – 37621, 37629 & 37605 FREMONT BOULEVARD AND 4068 CENTRAL AVENUE (PLN2010-00003)
Public Hearing (Published Notice) to Consider Introduction of an Ordinance Amending the Precise Plan of Planned District P-2004-231 to Allow Changes in Architecture to a 27 Unit Residential Condominium Project in the Centerville Planning Area, and Rezoning the Planning District P-2004-231 by renumbering it to P-2010-3, As Recommended by the Planning Commission

Contact Person:

Name:	Clifford Nguyen	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4769	510-494-4527
E-Mail:	cnguyen@fremont.gov	jschwob@fremont.gov

RECOMMENDATION:

1. Hold public hearing.
2. Find that the previously approved Mitigated Negative Declaration and Mitigation Monitoring Program (Informational 2) completed in compliance with the requirements of the California Environmental Quality Act (CEQA) are adequate for this project and that it reflects the independent judgment of the City.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing Chapter as enumerated within the staff report.
4. Approve the proposed project as shown on Precise Planned District P-2010-3 Plans, Exhibit "B," based upon the Finding and Conditions of Approval set forth in Exhibit "C."

5. *Waive full reading and introduce an Ordinance amending the precise plan as set forth in Exhibit "B," and renumbering Planned District P-2004-231 to a Planned District P-2010-3, as shown on PLN2010-0003 Planned District Zoning Map, Exhibit "A."*
6. *Direct staff to prepare and the City Clerk publish a summary of the ordinance.*

2.10 SALE OF EXCESS CITY AND AGENCY PARCELS TO CALTRANS AND THE CONVEYANCE OF A STORM DRAIN EASEMENT TO CALTRANS FOR STATE ROUTE 238 (MISSION BOULEVARD AND NILES CANYON)

Public Hearing (Published Notice) to Approve the Sale of Three Properties Owned by the City and the Redevelopment Agency Located at Essanay Place to the State Department of Transportation Needed for Spot Improvements Along State Route 238 (Mission Boulevard) and to Authorize the City Manager to Execute Grant Deeds, Easement Deed and Right-of-Way Agreement with the State Department of Transportation

Contact Person:

<i>Name:</i>	<i>Randy Sabado</i>	<i>Elisa Tierney</i>
<i>Title:</i>	<i>Real Property Manager</i>	<i>Redevelopment Agency Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Office of Housing & Redevelopment</i>
<i>Phone:</i>	<i>510-494-4715</i>	<i>510-494-4501</i>
<i>E-Mail:</i>	<i>rsabado@fremont.gov</i>	<i>etierney@fremont.gov</i>

RECOMMENDATION:

1. *Hold a Public Hearing.*
2. *Find that less than ten percent and not more than one acre of the Vallejo Mill Historic Park is to be acquired by Caltrans and authorize use of the sale proceeds to improve the remaining portion of Vallejo Mill Historic Park (PWC8617 fund 501) rather than acquire substitute park land.*
3. *Approve the sale to Caltrans of a 422 sq. ft. portion of Vallejo Mill Historic Park parcel (APN 507-0480-010-01) for \$6,544.91 and deposit the funds into 501PWC76173920, and authorize the appropriation of funds, and of (1) Essanay Place parcel (APN 507-0796-029-00) for \$6,272.21 and deposit the funds into 001.0000.3920, and conveyance to Caltrans of a relocated 1,591 sq. ft. storm drain easement and authorize the City Manager or designee to execute Grant Deeds, Easement and Right-of-Way contracts to the State of California, Department of Transportation.*

3. CEREMONIAL ITEMS

- 3.1 **Resolution: Honoring Building Inspector Specialist/Fire Sue Byrne for 25 Years of Service**
- 3.2 **Proclamation: Commemorating the 100th Anniversary of the Boy Scouts**

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

5.1 NILES BOULEVARD STREET IMPROVEMENTS

Public Hearing to Consider City Council Approval of Project No. 8666 (PWC), Street Improvements and Configuration of Niles Boulevard between Sullivan Underpass and the old California Nursery Site. A Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

Contact Person:

Name:	Dilip Kishnani	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4736	510-494-4748
E-Mail:	dkishnani@fremont.gov	nhughes@fremont.gov

RECOMMENDATIONS:

1. With respect to the negative declaration:
 - a. Consider the negative declaration for the Niles Boulevard street improvement project attached to this report and all other information submitted in the staff report, and any oral or written testimony and find that:

- i. There is no substantial evidence on the basis of the whole record before it that the project as described in the negative declaration will have a significant impact on the environment.
 - ii. The negative declaration reflects the independent judgment and analysis of the City of Fremont.
 - b. Approve and adopt the Negative Declaration.
 - c. Specify the Planning Division of the Community Development Department at 39550 Liberty Street as the location and custodian of the documents which will constitute the record of proceedings upon which the decision is based.
2. Approve the street configuration design for the Niles Boulevard Street Improvement Project from Sullivan Underpass to the old California Nursery site, as shown in Exhibit “B,” City Project No. 8666(PWC), subject to the recommended Conditions of Approval in Exhibit “C.”

6. REPORT FROM CITY ATTORNEY

- 6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

- 8.1 Council Referrals

- 8.1.1 MAYOR WASSERMAN REFERRAL: Direct Staff to Review Nomination Package of the Niles Canyon Transcontinental Railroad Historic District to the United States Department of the Interior National Park Service and Return to Council with Recommendations and Findings
- 8.1.2 MAYOR WASSERMAN REFERRAL: Appointments to advisory bodies
- 8.1.3 COUNCILMEMBER WIECKOWSKI REFERRAL: Request the City Council to Consider Adopting a Resolution Supporting the Blue Ribbon Commission Report “Commitment is a Two-Way Street: Toyota, California and NUMMI”

- 8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING

MARCH 23, 2010

***2.3 ANNUAL REPORT ON THE GENERAL PLAN AND HOUSING ELEMENT
(PLN2010-00123)**

**Public Hearing (Published Notice) to Consider an Annual Report on the Status of the
General Plan and Housing Element Implementation**

Contact Person:

Name:	Taryn Hanano	Dan Schoenholz
Title:	Planner II	Policy and Special Projects Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4555	510-494-4438
E-Mail:	thanano@fremont.gov	dschoenholz@fremont.gov

Executive Summary: State planning law requires cities to provide a status report on the General Plan to the Governor's Office of Planning and Research (OPR) and an update on the implementation of the Housing Element each year to the State Department of Housing and Community Development (HCD). The purpose of this report is to provide an annual review of the General Plan as well as progress in implementing the Housing Element in keeping with the requirements of Government Code Section 65400.

BACKGROUND: The annual status report on the General Plan and the annual review of progress on Housing Element implementation were included in a February 25, 2010 report to the Planning Commission and are included as Exhibit A.

The housing report analyzes the number of housing units permitted in 2009 as well as progress in implementing the many housing-related programs in the Housing Element. The report also describes the City's progress in implementing adopted Housing Element programs. Because the City's current Housing Element was adopted in July 2009 and certified by the HCD in October 2009, work on many of these programs is just getting underway.

The General Plan discussion summarizes amendments to the General Plan that occurred in 2009 and also describes the City's progress on its comprehensive General Plan update.

DISCUSSION/ANALYSIS: In general, housing production was relatively low in 2009 because of the downturn in the housing market, with approximately 296 new units (including 36 moderate income units) receiving building permits. However, in 2009 two affordable housing developments (Main Street Village and the Eden Housing project on Peralta) received entitlements and expect to receive building permits in 2010.

Several of the implementation programs in the new Housing Element require additional policy direction from Council before staff can proceed. City and Redevelopment Agency (RDA) staff intend to hold a work session with the Council/RDA Board in Spring 2010 to discuss a number of these implementation programs, including revisions to the Inclusionary Housing Ordinance; developing a target percentage of affordable housing funds to support Extremely Low Income households; and a review of the Agency's Affordable Housing Investment Strategy.

At its February 25, 2010 meeting, the Planning Commission recommended that Council authorize staff to submit the Annual Report to the appropriate State agencies.

FISCAL IMPACT: None.

ENVIRONMENTAL REVIEW: The annual report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a "project" under CEQA Guideline 15378(b)(5).

ENCLOSURES:

- [Exhibit A - Annual Report on General Plan & Housing Element of February 25, 2010, and a listing of the Housing Element's goals, objectives and implementing measures and a commentary on progress towards achieving them during calendar year 2009](#)
- [Informational Item 1 – Housing Element 2007-2014 – Final Adopted Housing Element](#)
- [Informational Item 2 – Residential Condominium Conversion Cap and Unit Allocation Tracking Memo to Planning Commission from Planning Director](#)

RECOMMENDATION:

1. Hold public hearing.
2. Find the Annual Report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).
3. Find that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element and authorize staff to submit the Report to the appropriate State agencies.

***2.4 RECREATION COMMISSION REFERRAL - DESIGNATION OF 98 ACRES AS SABERCAT HISTORICAL PARK**
Recreation Commission Referral - Designation of 98 Acres as Sabercat Historical Park

Contact Person:

Name: Annabell Holland
Title: Director
Dept.: Parks and Recreation
Phone: 510-494-4329
E-Mail: aholland@fremont.gov

Executive Summary: The Recreation Commission is charged with making recommendations to the City Council about parcels under consideration for dedication as a city park. The City recently purchased a historically significant 14.02 acre parcel bordered by Sabercat and Mammoth Creeks that ties the recommended park together. The proposed park site consists of 5 parcels, all owned by the City.

At its March 2, 2010 meeting the Recreation Commission voted 5-0-1 to recommend the City Council designate 98 acres, as depicted in Exhibit A, as a public park, to be named Sabercat Historical Park.

Recreation Commission role in park land acquisitions: The *Parks and Recreation Chapter* of the General Plan states: “The Recreation Commission will review and make recommendations about any parcel under consideration for acquisition or acceptance for dedication as a city-owned, operated or maintained park” (p. 11-14). The General Plan also includes “Criteria for Selection of Park Sites” (addressing physical configuration, topography, encumbrance, access, environmental constraints, compatibility with surrounding land uses, maintenance impacts, Recreation Commission review, and capital improvements and operations) intended to provide guidance in the City’s consideration of potential acquisitions or dedications of new parks. The General Plan also notes, “Historic and civic parks are considered special cases and may not be governed by the same criteria used for citywide, neighborhood, and mini parks”. Thus, due to the unique nature of this proposed acceptance, which is intended to be categorized as a “historic park”, this report will address those criteria, policies and objectives which are most relevant to the site.

Property description: The proposed park site consists of 5 parcels owned by the City. Combined, the properties total 97.96 acres when excluding 1.03 acres that are used as Paseo Padre Parkway right-of-way. They are principally located between I-680 and Paseo Padre Parkway. The City recently purchased the 14.02 acre parcel in 2009 with Park Acquisitions funds.

<i>Assessor Parcel ID</i>	<i>Owners Name</i>	<i>Acres</i>
513-604-11-1	CITY OF FREMONT	2.453*
513-705-12	CITY OF FREMONT	8.85
513-709-6	CITY OF FREMONT	70.08
513-711-1	CITY OF FREMONT	2.56
525-375-3-5	CITY OF FREMONT	14.02
TOTAL		97.96

* Excludes 1.03 acres used for Paseo Padre Parkway

The 98-acre project site (see Exhibit A) is undeveloped and characterized by extreme slopes and gullies traversing portions of the site, grasslands, and tree-lined riparian corridors on both the northern and southern portions of the site. Slopes on the majority of the site generally exceed 30%, with the slopes along the northern and southern boundaries (traversed by gullies) exceeding 50%. Corresponding with extensive slope areas, the majority of the site is located within an earthquake-induced landslide zone. The northern and southern riparian corridors that traverse the site in an east-to-west direction are known to support a variety of wildlife habitat (e.g., native and non-native trees, birds, and wetland species).

The Antelope Hills Trail terminates at the site's northeasterly boundary. The City could extend this trail in a loop to connect with a future trail along the site's southeasterly boundary. This trail would provide a westerly connection to Interstate 680 (I-680). With the development of a future trail crossing I-680 (either over or under the freeway, if feasible), the trail would then provide a connection to the future Irvington BART Station area and the north-to-south trail along the former Union Pacific Railroad corridor leading to Central Park. At the time the trail is constructed (pending the City's ability to secure funding and appropriate environmental review), it is envisioned that it would be paved for both pedestrian and bicycle use, and that interpretative panels would be installed to explain the important paleontological and historical events that have occurred on the site and surrounding area.

Background and previous actions: In the early 1940s, a significant fossil find was discovered in the park area. The site and surrounding area (including the I-680 right-of-way) were a part of the former Bell Quarry. Fossils found included mammoths; saber toothed cats; mastodons; wolves; giant sloths; short-faced cave bears, camelops; western horses; and others. This find was so significant that a new faunal age, the Irvingtonian of the early Pleistocene Epoch, was named after it.

A significant portion of the find was excavated by Hayward teacher Wes Gordon, who worked for over 10 years with a group of young boys, referred to as the "Boy Paleontologists," to uncover tens of thousands of fossils. In the late 1950s, Gordon persuaded the California Department of Transportation to shift the planned alignment of I-680 to bypass the primary location where remains of the giant short-faced cave bear had been found. In total, over 150,000 specimens were retrieved from the find from the early 1940s through the 1950s. The majority of this collection is housed at U.C. Berkeley, with smaller portions of the collection sent to Ohlone College, Fremont's Museum of Local History, and the San Lorenzo school at which Gordon worked. In 2004, the Gordon Family and Estate gave a private collection of this find to Math/Science Nucleus, which displays it at the Children's Natural History Museum in Fremont.

In the early 1980s, the City pursued purchasing the site as the location for a Nature Center. At that time, the site was designated on the General Plan map as "Institutional Open Space," "Nature Center," and "Bike and Foot Trails." Due to neighborhood opposition, the City Council directed staff to cease the acquisition process, and remove the "Institutional Open Space" and "Nature Center" designations from the General Plan map. Removal of these designations was finalized by Council in 1983 when the site was redesignated as "Open Space." Council did not, however, remove the "Bike and Foot Trails" designation from the site. Subsequently, the site was redesignated "Residential Very Low Density, 1 to 2.3 units per acre," as part of the 1991 General Plan Update, thereby providing for the potential development of residential units on the property.

In the early 1990s, the Planning Commission denied a private party request to develop the site with six large-lot single-family residences. In January 1992, the City Council denied the applicant's appeal of the Planning Commission's action. Council subsequently directed staff to rezone the site to "Preliminary Planned (P) District." This is the site's current zoning.

Project analysis: The City of Fremont General Plan guides the designation and development of land for park purposes. The project area has a land use designation mix of Institutional Open Space and Very Low Residential. Parks are an allowed use within each of the designations and does not require a General Plan Amendment prior to designating a site as a park. The Recreation Commission role in park review involves considering the applicable standards of the General Plan and making a recommendation of whether a proposed project is consistent with the standards. The following Goals, Objectives, and Policies are applicable to the proposed park designation.

- **Parks and Recreation Goal 1:** Parks and recreation facilities that meet the community's needs
- **Parks and Recreation Policy 1.1.1:** Parks and recreation facilities shall be consistent with the standards and guidelines of the Parks and Recreation Chapter of the General Plan (contained in Tables 11-2 through 11-6).

Analysis: The project site meets the guidelines of a "historic park". Table 11-5 identifies that facility requirements and size are variable because of the unique attributes of a historic park. A historic park can be of any configuration and design when it achieves the primary purpose of preservation of a historic structure or site with cultural and social significance. The topography of the site can also exceed the normal standard of 5% because of the natural areas within the proposed park and the intent of preservation rather than development of flat recreation spaces.

The proposed site has a reasonable relationship to the significant historic and cultural event of the fossil find of the 1940s. The project site is part of a large and very significant fossil find from the 1940s. This find included mammoths, saber toothed cats, mastodons, wolves, giant sloths, short faced cave bears, camelops, western horses, and others. This find was so significant that a new faunal age, the Irvingtonian of the early Pleistocene Epoch, was named after it. A large amount of the find was excavated by Hayward teacher Wes Gordon, who worked for over 10 years with a group of young boys, referred to as the "Boy Paleontologists," to uncover tens of thousands of fossils. As such, preservation of this historically and paleontologically important site as a historic park is appropriate.

Access to the park currently occurs from public streets and trail access through neighborhoods. Principally, bicyclists and pedestrians access the area.

The compatibility with surroundings, maintenance, and encumbrances criteria have minimal application to a historic park with natural areas and a trail system. This park would be a mostly passive park with low to moderate activity. Compatibility of the park is based on the trail system that already exists in the vicinity of existing single-family homes. Potential future trail additions at the west side of the area would be of similar context to the existing improvements and potentially have additional access routes to distribute the access demands. There are no encumbrances that restrict access or intended use of the historic park. Sabercat Creek is a riparian area and any improvements

near the creek or affecting the top of the bank are subject to environmental review and permitting from the Department of Fish and Game for a streambed alternation permit. Generally, this process allows for trails and improvements that complement the natural setting and do not disturb the function of the stream or surrounding habitat's value. With minimal improvements needed for a historic park, there are correspondingly little maintenance requirements to preserve the area. At this time, no improvements are proposed and capital funds and operational funds are not needed to designate the property for park purposes. Grant funds were recently received by the City for trail and stream restoration activities on the existing trail system.

- **Parks and Recreation Policy 1.1.2:** The City's standard for acquisition and development of park land shall be five (5) acres per one thousand (1,000) new residents.
- **Parks and Recreation Policy 1.1.3:** The City should seek ways to achieve the goal of maintaining 5.79 acres of park land per one thousand (1,000) residents.

Analysis: The City has a current park inventory of approximately 5 acres per 1,000 residents. The designation of the proposed area as a park would help meet the desire of maintaining a park land inventory in excess of 5 acres per 1,000 and provide available park land for the needs of future residents of the City.

Park Inventory with Proposed Park

<i>Park Type</i>	<i>Number of Parks</i>	<i>Total Acres</i>
Citywide	12	621.2
Neighborhood	20	147.18
Mini	10	29.67
Historic	11	353.13
Civic	-0-	-0-
TOTAL	53	1151.18

- **Parks and Recreation Goal 2:** Park lands and recreation facilities to reflect Fremont's image and identity.
- **Parks and Recreation Objective 2.1:** Parks and recreation facilities reflecting the unique attributes of Fremont.

Analysis: Designating the site as a historic park fulfills the goal of highlighting and preserving the City's history and identity. As a significant historic and paleontological area that is part of Fremont's history, with national recognition and identity associated with it, the site meets the park designation goals of the City.

- **Natural Resources Goal 1:** Biological Resource Protection
- **Natural Resource Policy 1.1.1** Whenever feasible, natural and semi-natural wetlands, including riparian corridors, vernal pools and their wildlife habitat, shall be preserved or impacts minimized.

- **Natural Resources Policy 1.2.1** Through inter-agency cooperation and planning, maximize the biological value of public owned lands, consistent with other public purposes (recreation, flood control, groundwater recharge, etc.).

Analysis: The project site has two creeks that flow through the area and associated riparian habitat. The park designation and future management of the park would protect this natural environment and be consistent with the General Plan desire to provide complementary uses of preservation and access to the public.

- **Land Use Policy 7.3:** The City shall also identify and designate historic buildings and archaeological sites outside of designated Historic Overlay areas. It is the intent of the City to require, where feasible, the preservation of Fremont Register Resources. It is the policy of the City of Fremont to protect, enhance, perpetuate and use buildings, structures, objects, sites and areas which are reminders of past eras, events, and persons important in local, State, or National history. Resources which provide significant examples of architectural styles of the past and are unique and irreplaceable assets to the community should be protected to provide for present and future generations examples of physical surroundings in which past generations lived. The public health, safety, and welfare of the community require the prevention of needless destruction and impairment, and promotion of the economic utilization of such buildings, structures, sites, and areas.

Analysis: The project site is not located within a Historic Overlay area, but as described under the discussion for Parks and Recreation Policy 1.1.1, the site is an important paleontological and historic area that should be preserved for current and future generations. Preservation of the site as a publicly-owned historic park would ensure the preservation of cultural resources on the site.

Park Naming Policy: On November 6, 1984, the City Council adopted Resolution 6188, which established policy, objectives, and principles relative to the naming of public parks, as well as facilities within parks. The Recreation Commission is charged with making recommendations to the City Council concerning the proposed names of parks and/or individual facilities.

Section 4 of Resolution 6188 states: “Specific elements of a park may be named for or after a group or individual or for a historical or natural subject appropriate to the location that in the opinion of the Recreation Commission and City Council is significant and appropriate. The name of that specific facility shall be held in perpetuity.”

There is currently a trail that runs through the property that is called Antelope Hills Trail; however, the trail and the entire area is informally called Sabercat by the users. Sabercat Creek runs through the property, and this creek was a catalyst for moving fossils from higher ground to this site. Fossils can still be found along Sabercat Creek.

Staff is recommending that the park be named **Sabercat Historical Park**. The name will both recognize the creek that runs through it, as well as formalize the informal naming of the area.

FISCAL IMPACT: All of the parcels proposed to be included in this park are under City ownership, and maintained by the City. No additional funding is required for this action. Future development of this

site as an interpretive park will be contingent on both the development and operation funds being available.

ENVIRONMENTAL REVIEW: The proposed designation of the site as a park is exempt from the California Environmental Quality Act (CEQA). The property includes existing improvements that are open to public access and their status and use would not change with the designation. In addition, there are no physical improvements contemplated as part of the park designation and an historic park does not have specific improvement requirements that other park types require. Because there is no change in existing conditions and no planned improvements as part of this project, the project has no potential for a significant effect on the environment as defined by CEQA Guideline 15061(b)(3).

ENCLOSURE: [Exhibit A: Aerial photograph showing project site](#)

RECOMMENDATION: Find the project is exempt from CEQA with no potential for a significant impact on the environment and designate the 98-acre area as the Sabercat Historical Park.

***2.5 ACCEPTANCE OF \$203,000 EPA GRANT FOR STORMWATER FILTER PERFORMANCE TESTING**

Acceptance of \$203,000 EPA Grant through the San Francisco Estuary Project to Evaluate the Pollutant Removal Effectiveness of a City Designed Tree Well Stormwater Filter

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Executive Summary: The Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Stormwater Permit, also known as the MRP, mandates the City of Fremont and municipalities throughout the Bay Area to require all projects that create or replace 10,000 square feet or more of impervious surface area to incorporate on-site stormwater treatment systems. In the public right-of-way, space for stormwater treatment competes with utilities, landscaping and sidewalks, making design challenging. To meet the challenge, the City of Fremont developed a tree well system that integrates the requirements for full-sized street trees, stormwater treatment and, potentially, new MRP trash capture requirements into one device. To evaluate the pollutant removal effectiveness and trash capture capability of the tree well filter system, the City successfully applied for a United States Environmental Protection Agency (US EPA) San Francisco Bay Area Water Quality Improvement Fund (WQIF) grant through the San Francisco Estuary Project and will receive \$203,000 over a four year period to evaluate the tree well filter design at three locations in Fremont.

Staff recommends meeting the matching funds requirement with an \$85,600 appropriation from the Urban Runoff fund balance. The City's matching funds would provide \$53,600 in estimated City staff expenses, \$10,000 for signage and \$21,000 for water quality analysis. There would be no impact to the General Fund. In addition to the City's funding, Alameda Countywide Clean Water Program, Stopwaste.Org and U.C. Santa Cruz will be collectively contributing approximately \$10,100 of in-kind services for their respective staff's participation in the project.

BACKGROUND: To manage the increased pollutant load to water bodies due to development, the San Francisco Bay Regional Water Quality Control Board (Water Board) has included substantial new development standards in the MRP. The standards mandate municipalities to require public and private projects that create or replace 10,000 square feet or more of impervious surface area to incorporate on-site stormwater treatment. To meet the challenge of treating stormwater runoff generated along roadways, the City of Fremont developed a tree well filter system that integrates the requirement for full-size street trees and stormwater treatment. This is a desirable alternative to existing stormwater treatment options which are limited to proprietary devices with high installation and maintenance costs. The proprietary devices currently on the market pose a significant problem for the healthy growth and maturity of trees since the systems are dependent on a closed box or impermeable liner that severely stunt the growth of large woody plants. The high initial and sustained costs combined with the horticultural limitations of the proprietary treatment measures prompted City staff to design the tree well filter system proposed for evaluation. The City design is an open system, horticulturally sustainable and

economically feasible to install and maintain. The purpose of the tree well filter evaluation project is sixfold:

- To determine pollutant removal capability
- To determine the volume of stormwater treated
- To document maintenance costs and tree health
- To compare data variations among three locations to determine optimal design components
- To educate the public about development impacts on stormwater quality
- To gain approval by the Water Board for regional use

DISCUSSION/ANALYSIS: To verify the tree well filter design meets the requirements set forth in the MRP, staff recommends accepting the grant to complete the evaluation. The City grant review committee approved of Environmental Services Division seeking grant funding and the Engineering and Landscape Architect staff supervisors support project participation. Maintenance of the tree well filters is required regardless; therefore, accepting the grant does not impose additional requirements on the Maintenance Division. The design of the tree well filter was completed with Maintenance Division staff input.

The main project components include:

- 1) *Develop a quality assurance project plan (QAPP).* The Environmental Services Division will develop the QAPP according to the standards established in the Water Environment Research Foundation Stormwater Best Management Practice Database in coordination with Engineering, Landscape Architecture and outside peer review. This component is expected to begin in FY2009/10.
- 2) *System monitoring and maintenance.* System monitoring includes flow simulation experiments and storm event monitoring. The purpose of the flow simulation experiments is to determine if the entire design storm volume (0.2"/hour) as defined in the MRP is being treated in the tree well filter. Engineering, Landscape Architecture, and Environmental Services will conduct the flow simulation experiments. The purpose of storm event monitoring is to evaluate and document the performance of the tree well filters during actual storm events. The system monitoring and maintenance component also includes regular maintenance activities such as trash removal and vegetation maintenance (if necessary). The Maintenance Division will have responsibility for regular maintenance activities. It is estimated system monitoring and maintenance will be completed in FY2010/11 and FY2011/12.
- 3) *Stormwater quality sampling.* It is anticipated that the stormwater quality sampling component will be completed by a contractor during FY2010/11 and FY2011/12. The contractor will be selected pursuant to a competitive procurement process in FY2010/11. The sampling elements will be determined when developing the QAPP, but will likely include total suspended solids, mercury, and copper, among others.
- 4) *Evaluation of water quality data.* Analysis of the data generated from stormwater quality sampling will be performed by a consultant selected through a competitive procurement procedure in FY2011/12. The analysis will be peer reviewed prior to issuing a final report.

- 5) *Conduct public outreach.* As part of the public outreach component, pollution prevention signage will be developed and placed at the three project locations. The public outreach component also includes development of an installation guide. The guide will be developed by Engineering, Landscape Architecture and Environmental Services Division staff in FY2012/13.

The project cost estimate and proposed funding sources are summarized below.

Project Cost Estimate

Develop monitoring protocols	\$14,300
System monitoring and related maintenance	\$31,000
Stormwater sampling and water quality analysis	\$215,300
Data analysis	\$17,200
Public outreach	\$16,000
Project management and reporting	<u>\$3,900</u>
Total project budget:	\$297,700

Funding Sources:

US EPA Grant	\$203,000
City Urban Runoff funds	\$84,600
Other Agency in-kind contribution	<u>\$10,100</u>
Total funding sources:	\$297,700

FISCAL IMPACT: The City's \$84,600 contribution will come from the City's Urban Runoff Fund fund balance (Fund 123). Sufficient funding exists in the fund balance for this purpose.

ENVIRONMENTAL REVIEW: The proposed project is exempt from the California Environmental Quality Act per Guideline 15378 definition of a project. The activity does not cause a physical change in the environment as it is an administrative activity to sample and study the performance of separate individually implemented tree well filters.

ENCLOSURE: None.

RECOMMENDATION:

1. Accept \$203,000 US EPA grant funds to evaluate the City of Fremont designed tree well stormwater filter and authorize the City Manager or his designee to execute any agreements or other documents associated with the grant.
2. Appropriate \$203,000 of US EPA grant funds to 199PWC8728, and \$84,600 of City Urban Runoff Fund 123 balance to 123PWC8728 tree well stormwater filter project.

***2.6 RESOLUTION AUTHORIZING APPLICATION FOR FEDERAL JOBS FOR MAIN STREET ACT OF 2010 FUNDING FOR ASPHALT OVERLAY PROJECT**
Adopt a Resolution Authorizing the Submittal of an Application to the Metropolitan Transportation Commission for the Federal Jobs for Main Street Act of 2010 Funding for the 2010 Citywide Asphalt Overlay Project (PWC 8234-J)

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Executive Summary: The purpose of this report is to request approval to submit an application to the Metropolitan Transportation Commission (MTC) for funding from the federal Jobs for Main Street Act of 2010 in the amount of \$8,400,000 for the 2010 Citywide Asphalt Overlay Project, City Project No. 8234J (PWC). Staff is also requesting appropriation of the funds allocated to the City to the 2010 Citywide Asphalt Overlay Project.

BACKGROUND: On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA), which enacted a \$787 billion economic recovery package. Of that amount, approximately \$150 million was available to the Bay Area through the Surface Transportation Program. The City's share of these funds was determined to be \$4,010,000. In addition, the City executed an agreement with Alameda County Congestion Management Agency (CMA) which provided the City with additional federal funds in the amount of \$1,897,000 in exchange for \$1,802,150 in Proposition 1B local funds. The City's allocation amount of \$4,010,000 plus the fund exchange amount of \$1,897,000 brought the total ARRA funding amount to \$5,907,000. This funding allowed the City to successfully rehabilitate 13 segments of roadway totaling 4 miles last year and reduce future maintenance costs.

Currently, Congress is considering a second economic stimulus bill, the Jobs for Main Street Act of 2010. At this time, it is unknown if and when the bill will be passed, and the amount of funding, if any, that will be provided for transportation projects across the country. The City's funding share is also unknown at this time. The bill, if passed, may stipulate very tight deadlines for awarding and executing construction contracts. In anticipation of any possible funding by this bill for transportation projects in the region and the possible tight deadlines stipulated by the bill, MTC has requested that local agencies submit an application for funding before the bill is approved. Staff intends to submit an application to MTC for \$8,400,000 for Jobs for Main Street Act of 2010 funding and requests that City Council adopt a resolution authorizing this application.

DISCUSSION: Citywide, Fremont streets and roads have a Pavement Condition Index (PCI) of 64, which is considered fair. However, the maintenance backlog for Fremont's 497 centerlane street miles is currently \$165 million. If sufficient funding is unavailable for street maintenance, the average PCI of the network is expected to decrease, and the deferred maintenance backlog will increase. Given this vast need, staff recommends that the entire amount of \$8,400,000 or any portion of that amount received by the City be focused on street maintenance. If street maintenance is deferred, the higher backlog will

result in increased future costs as more capital intensive treatments (such as reconstruction) will be necessary where less expensive treatments (such as surface seals or overlays) are currently feasible. Staff recommends applying the full allocation to the Citywide Asphalt Overlay Project, Project No. PWC 8234-J because Fremont has a substantial backlog of streets that have deteriorated to the point that seal coats are not effective treatments, and yet the streets are not in need of full reconstruction.

FISCAL IMPACT: This funding would increase the number of streets that Fremont can overlay in FY 2009/10 and would avoid even higher street maintenance costs in the future.

ENVIRONMENTAL REVIEW: The action being recommended in this report is exempt from the California Environmental Quality Act (CEQA) because it is not a project pursuant to CEQA Guidelines Section 15378. The proposed action seeks a funding mechanism. Submitting an application to secure grant funds for a potential project does not require CEQA review. Approval of this funding mechanism has no possible significant impact on the environment under CEQA Guidelines Section 15061 (b) (3) and Sections 15378 (a) and (b). Additionally, if the grants are received and the asphalt overlay projects proceed appropriate environmental review will occur in conjunction with the development, approval and contract award of the projects.

ENCLOSURE: [Draft Resolution of Local Support for and Authorizing the Filing of an Application for Federal Jobs for Main Street Act of 2010 Funding and Stating the Assurance to Complete the Project](#)

RECOMMENDATIONS:

1. Adopt a resolution authorizing staff to submit an application to the Metropolitan Transportation Commission (MTC) for \$8,400,000 in funding from the federal Jobs for Main Street Act of 2010.
2. Appropriate the amount in Jobs for Main Street Act of 2010 funding approved by MTC, if received, up to the amount of \$8,400,000 to the 2010 Citywide Asphalt Overlay Project, City Project No. PWC (8234-J).

***2.7 AMENDMENT TO SYSCO SERVICE AGREEMENT**

Aqua Adventure Waterpark Amendment to Service Agreement with Sysco San Francisco, Inc.

Contact Person:

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Executive Summary: This item is before the City Council to request approval of the first amendment to the existing Service Agreement with Sysco San Francisco, Inc. In February 2009, the City issued RFP 09-016 for the purchase and delivery of food products to the new Aqua Adventure Waterpark. The RFP included details on delivery requirements and a list of desired food products. The invitation for bids resulted in the selection of Fremont-based Sysco San Francisco, Inc., on March 19, 2009.

The feasibility study projected revenues for “Concessions and Merchandise” at a high of \$197,000. Based on that projection, staff estimated the costs of goods for Waterpark food service for two seasons. During the first season, the Waterpark food service operation generated \$242,000 which exceeded the feasibility projection. The current Agreement sets the vendor’s “not to exceed” compensation amount at \$85,000 and the proposed amendment increases that amount to \$140,000. The agreement took effect on April 22, 2009 and expires on December 31, 2010, which covers the first two seasons of operation. An increase in compensation over \$100,000 requires council approval.

BACKGROUND: The City of Fremont Aqua Adventure waterpark opened in May 2009. The park consists of waterplay structures, slides, pools, gift shop and a grill walk-up style food outlet. The Grill offers a variety of food options for waterpark guests and staff. All food items are received from Sysco, prepared, packaged and sold to Waterpark guests through the walk-up food outlet or in-park group catering. In the first season, Aqua Adventure spent \$59,000 with Sysco San Francisco, Inc., which generated \$242,000 in food service revenue for the Waterpark. Based on last season’s numbers, the original \$85,000 will not be adequate to ensure park management has enough spending authority to carry the park through the second season.

Staff is requesting to increase the “not to exceed” contract amount from \$85,000 to \$140,000. The current agreement took effect April 21, 2009 and expires December 31, 2010. The Amendment stipulates all other terms and conditions set forth in the agreement that are not specifically modified by the amendment shall remain in full force and effect.

DISCUSSION/ANALYSIS: None

FISCAL IMPACT: The City of Fremont resells the items, so any purchases from Sysco are recovered by revenue generated from the park food service operation.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURE: None

RECOMMENDATION: Approve Amendment No. 1 to Service Agreement with Sysco San Francisco, Inc.

***2.8 HUMMINGBIRD PUBLIC UTILITIES EASEMENT AND WATERLINE EASEMENT SUMMARY VACATION AT NORTHWEST CORNER OF BLACOW ROAD AND FREMONT BOULEVARD (PLN2010-00156)**

Adopt a Resolution to Summarily Vacate Portions of a Public Utilities Easement and Waterline Easement on Portions of Lot 7, 8, 10, 11, 13, 14, and 15 of Tract 7862 Located Within the Robson Homes Hummingbird Development at the Northwest Corner of Blacow Road and Fremont Boulevard in the Irvington Planning Area

Contact Person:

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Executive Summary: The applicant, Robson Homes, requests a summary vacation for portions of a Public Utilities Easement (PUE) and Water Line Easement (WLE) to facilitate minor adjustments to the siting of homes within the “Hummingbird” development (previously “Arcadia”). In 2007, the Council approved Hummingbird with adoption of a Precise Planned District to permit development of a new single-family neighborhood with 78 detached homes. The approval included Tentative Tract Map 7862 with numerous easements necessary to provide utility services. Subsequently, these easements were recorded with Council’s approval of the final map. In October 2009, the Council approved a similar vacation request of PUE and WLE easements for the development. The additional vacation of PUE and WLE easements shown in Exhibit “A” would enable completion of the remaining homes. Staff recommends the adoption of a Resolution to approve the summary vacation for portions of a PUE and WLE shown in Exhibit “A” for Tract 7862.

BACKGROUND: The project site history is summarized, as follows:

1. In May 2007, the City Council adopted a resolution approving a General Plan Amendment (GPA) which established the site’s underlying land use designation of Medium Density Residential (11 to 15 dwelling units per acre) to facilitate the development.
2. In September 2007, the Council approved a Precise Planned District accompanied by Tentative Tract Map 7862 for development of 78 new single-family homes.
3. In June 2008, a final map for Tract 7862 was recorded including the dedication of the PUE and WLE.
4. In November 2008, an amended Tract Map 7862 was recorded to correct mapping errors and omissions.
5. In October 2009, the Council approved a summary vacation of PUE and WLE easements to facilitate architectural changes proposed within the now completed first two production phases of the development.

To date, common improvements for the tract map have been completed, along with two production phases with 25 completed homes. Another four phases with 41 homes are under construction, and a last phase to start later this year to include the remaining 12 homes.

DISCUSSION/ANALYSIS (RATIONALE FOR VACATION): Subsection (b) of Section 8333 of the Streets and Highways Code allows a summary vacation of utilities easements when:

“The date of the dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.”

The proposed vacation meets this criterion, as follows:

Neither the City nor the Alameda County Water District, or other utility agencies, have used the portions of the PUE or WLE proposed for vacation originally dedicated in July 2008.¹ The date of the dedication of the PUE and WLE is less than five years, and is more than one year from the date of this proposed vacation.

On February 25, 2010, staff conducted an inspection of the easement areas proposed for vacation. No utilities were observed above ground nor was there evidence that utilities were installed underground in the areas affected by the proposed vacation. The Alameda County Water District has not indicated an objection to the proposed vacation.

As noted, no utilities are presently located, and none are proposed for future location, in the portions of the PUE and WLE proposed for vacation. Accordingly, the statutory criteria for summary vacation are satisfied and because the intended utility use of the portions of the PUE and WLE to be vacated did not occur and those portions are not needed in the future the proposed summary vacation is appropriate

No Reservations or Conditions Recommended: Vacation of the portions of the PUE and WLE will not affect the ability to accommodate easement areas necessary for utilities serving the development. No other reservations within the portions of easements proposed for vacation are needed either.

General Plan Consistency: The Streets and Highways Code requires that, if the proposed vacation of a street or public service easement is within an area for which a general plan is adopted, the City Council should consider the project's consistency with the general plan prior to vacating the easement.

The proposed summary vacation is in conformance with the General Plan Fundamental Goal F-10:

“Public services responsibly managed and equitably distributed throughout the city.”

Staff recommends the summary vacation because relinquishment of minor portions of these easements would not affect any easement areas needed to serve the development. Easement areas are already sufficient in size and location to provide utility services sufficient for the development.

This summary vacation of easements is exempt from Planning Commission review because it is minor in nature and involves the disposition of public interests relating to non-street vacations (i.e., the PUEs and WLEs), as Council Resolution No. 9216 so provides.

¹ Tract Map 7862 was later amended in November 2008 but did not affect portions of easements proposed for vacation in question (see Exhibit "A").

FISCAL IMPACT: None.

ENVIRONMENTAL REVIEW: This vacation is categorically exempt pursuant to *California Environmental Quality Act Guidelines*, Section 15305 (Minor Alterations in Land Use Limitations).

PUBLIC HEARING NOTIFICATION: None. State law does not require noticed public hearings of proposed summary vacations.

NOTIFICATION TO UTILITY COMPANIES: Staff has notified all utility companies providing service in the project area about this proposal. To date, only one letter has been received from the phone utility agency (AT&T) without objection.

ENCLOSURES:

- [Draft Resolution](#)
- [Exhibit “A” Plat and Legal Description of Proposed Vacation \(PUE and WLE\)](#)

RECOMMENDATION:

1. Find Summary Vacation PLN2010-00156 exempt from CEQA per CEQA Guidelines Section 15305 because the vacation is a minor alteration in land use limitations that does not result in any land use or density changes.
2. Find Summary Vacation PLN2010-00156, as depicted and described on Exhibit “A,” is in conformance with the General Plan for the reasons stated in the body of this report.
3. Find Summary Vacation PLN2010-00156, as depicted and described on Exhibit “A,” fulfills the applicable criteria for summary vacation for the reasons stated in the body of this report.
4. Adopt a Resolution including the findings referenced above, and ordering the summary vacation of the portions of the PUE and WLE as depicted and described on Exhibit “A.”
5. Direct the City Clerk to record the Resolution of Summary Vacation for PLN2010-00156 with the Alameda County Recorder, returning a copy of the recorded Resolution to the Planning and Engineering Divisions of the Community Development Department for their respective files.

***2.9 CROWN HOMES DEVELOPMENT – 37621, 37629 & 37605 FREMONT BOULEVARD AND 4068 CENTRAL AVENUE (PLN2010-00003)**

Public Hearing (Published Notice) to Consider Introduction of an Ordinance Amending the Precise Plan of Planned District P-2004-231 to Allow Changes in Architecture to a 27 Unit Residential Condominium Project in the Centerville Planning Area, and Rezoning the Planning District P-2004-231 by renumbering it to P-2010-3, As Recommended by the Planning Commission

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Executive Summary: The proposed project is a Planned District Major Amendment to permit building architectural modifications to an approved September 2008 Precise Planned District for a new 27-unit residential condominium. The project site is assembled from four parcels of land: one parcel (former Haller's Pharmacy) owned by Redevelopment Agency; and, three parcels privately owned in common by one owner. The applicant intends to purchase the land to construct the development with proposed modifications that are largely limited to the building's architectural appearance. The proposed architecture design incorporates subtle Craftsman style attributes. Additional changes are proposed to the roof profile and internal floor plans. The previously approved design concept of constructing residential buildings above a podium structure will remain unchanged. The Planning Commission, Redevelopment staff, and Planning staff recommend approval of the proposed project, based on findings and subject to conditions.

BACKGROUND:

1. In May 2001, a General Plan Amendment was approved to establish the site's High Density Residential, 23-27 dwelling units per acre land use designation.
2. In June 2002, Planned District P-2002-164 was approved to permit the construction of a 21-unit "contemporary style" residential condominium development. The construction of the 21-unit project did not proceed forward.
3. In July 2008, the Planning Commission found that the disposal of the Agency parcel (one of four parcels that form the cluster of land for the site) is consistent with the General Plan as required by Government Code 65402.
4. In September 2008, a new Planned District (replacing the June 2002 approvals) in conjunction with Vesting Tentative Tract Map 7373, and a Preliminary Grading Plan, were approved to permit the construction of the 27-unit "Craftsman style" condominium development. At that time, the Redevelopment Agency (City Council), approved a Disposition and Development Agreement (DDA) for disposal of the Agency parcel with the present property owners who own the adjacent vacant land to assemble the approximate 0.995-acre development site.
5. Also in September 2008, the City Council approved removing the landmark tree designation for one of two Magnolia Trees on the site and approved removal of the declassified tree as part of the project.

6. In July 2009, the current property owner informed the City that they were in contract to sell their land to the applicant (future property owners). The applicant submitted a preliminary review application prepared by a new design team. Over the course of several months, the design team worked with staff on modifications described as necessary from a construction standpoint, to improve unit floor plan layouts, and to make the project economically feasible.
7. In January 2010, the Planning Commission recommended approval of the project.

PROPOSED PROJECT:

The applicant requests consideration of a major amendment to the approved precise plan of the September 2008 Planned District, P-2004-231 that would specifically allow architectural modifications for the development of a new 27-unit residential condominium. No other changes are proposed to the September 2008 approvals of Vesting Tentative Tract Map 7373 (a subdivision for condominium purposes); a Preliminary Grading Plan (8,000 cubic yards of grading); and, a Resolution (that declassified one of two existing magnolia trees in declining health). The proposed Major Amendment is summarized, as follows:

1. Exterior Façade Modifications. The applicant proposes to use horizontal siding and stucco to replace the previous wood shingles on the top two floors of the building. A new stone veneer siding will replace stucco at the base of the building to the height of the semi-subsurface garage ceiling. The building height is not increased and structural massing is slightly changed. Window fenestration is rearranged and simplified without divided panes (or muntins) and exterior porches are redesigned with square columns, including a larger porch that wraps around the outer street-facing building corner. The attempt by the design team was to limit non-structural decorations that is described to create a “cleaner and crisper design.”
2. Minor Site Design Modifications. The applicant proposes raised planters at the base of the buildings to provide landscape as well as stormwater treatment devices in the form of bio-filtration planters.
3. Simplified Roof Profile Design. The roof design previously approved has been simplified to ensure proper drainage to dissipation areas.
4. Reconfigured Floor Plans. Some refinements to the floor plans previously approved are proposed to improve the interior layout of the units. These changes were described as necessary to make it less difficult to furnish the units as well as to reduce the cost of constructing building utility infrastructure. The unit sizes are consistent with the previous approval (ranging from 1,127 to 2,040 square feet).

All other elements of the previously approved Planned District remain unchanged, including the number of units in each of the four buildings, a large open space consolidated into a single landscaped courtyard, and a community room, which are located above a garage podium. The September 2008 Planned District approvals are enclosed (Informational “1”). If the Council chooses to approve the major amendment, the new precise plan (enclosed as Exhibit “B”) would replace the September 2008 precise plan. The zoning map will also be amended to reflect a new Planned District number. (enclosed as Exhibit “A”). The table below shows the components of the proposed new precise plan (Exhibit “B”) that would replace the current precise plan. (Informational “1”).

Precise Plan	Sheets
Proposed Project (Major Amendment)	
Proposed New Precise Plan P-2010-3 prepared by Stanton Architecture dated October 1, 2009 (Exhibit “B”)	A000, A0.0, A0.1, A.0.2, A0.3, A0.4, A1.1, A1.2, A1.3, A1.4, A3.1, A3.1a, A3.2, A3.2a, A3.3, A3.3a, A3.4, A3.4a, A3.5, A3.6, A3.7, A4.1, A4.2, A4.3, A4.4, A4.5, A4.6, A4.7, A4.8, A4.9, A4.10, L-1, L-2
Current Approval (Proposed To Be Replaced)	
Current Precise Plan P-2004-231 prepared by Dahlin Group dated March 4, 2008 (Informational 1)	A-01, A-02, A-03, A-04, A-05, A-6, A-7, A-08, A-09, A-10, A-11, A-12, A-13, A-14, A-15, A-16, A-17, A-18, L-1, L-2, L-3

DISCUSSION/ANALYSIS:

In order to approve the proposed Major Amendment, the project must be found consistent with the General Plan and Zoning Ordinance. Based on the following analysis, staff recommends that the City Council find the proposed Major Amendment is in conformance with General Plan and Zoning Ordinance.

General Plan Conformance: The General Plan land use designation for the project site is High Density Residential, 23-27 dwelling units per acre. The proposed project density of 27 dwelling units per acre is consistent with the maximum density permitted for the site’s 25-27 dwelling units per acre land use designation. In addition, the proposed project implements the following General Plan Goals, Objectives and Policies, including the Centerville Specific Plan:

Housing Goal 1: Conservation and enhancement of existing residential neighborhoods.

Housing Goal 2: High quality and well-designed new housing of all types throughout the city.

Analysis: The proposed project implements these goals in that the site plan and building design demonstrate that a 27-unit condominium building can be developed on the project site in a manner that provides sufficient setbacks, parking and circulation, open space and landscaping. The proposed design will enhance the pedestrian orientation and character of the existing Centerville neighborhood by eliminating the visibility of parking, adding porches, and enhancing the sidewalks and pathways on site. The site design, building scale and orientation also provide an appropriate transitional design between the commercial/residential land uses to the west, the Holy Spirit Church across Fremont Boulevard and surrounding lower density residential land uses. With a parking facility entirely below grade, parking is completely screened from public view. As a result, an opportunity is presented to maximize outdoor open space within a spacious communal courtyard that is secluded from the semi-public front porches along the street facades.

Centerville Specific Plan Conformance: The project site is located within “Subarea 10” of the Centerville Specific Plan, and is subject to the Centerville Specific Plan (CSPC) policies and regulations. The CSPC area consists of approximately 680 acres of the larger Centerville Planning Area. Subarea 10 includes higher density residential uses, office uses, and the Centerville Junior High School.

While the CSPC contains no specific policies or regulations for Subarea 10, it defers to the standard provisions of the Zoning Ordinance for residential development in this area.

Redevelopment Plan Conformance: The Redevelopment Agency Implementation Plan for the Centerville Project Area included the completion of the Central Avenue street-widening project at Fremont Boulevard. In 2001, the Agency purchased the 8,132± SF corner parcel located at 37605 Central Avenue (former Haller's Pharmacy building) to facilitate these improvements. With the improvements completed, a remainder 4,650± square-foot Agency Parcel is anticipated to be sold to the adjacent present property owner to assemble a 0.995-acre project site to develop new housing on the vacant land.

However, the present property owners have not been able to meet the September 2008 Disposition and Development Agreement (DDA) performance guidelines to purchase and develop the Agency Parcel. The Redevelopment Agency notified the property owners and then learned that they were in contract to sell their land to the applicant. Currently, the property owners and the applicant (or future owners) are working with the Redevelopment Agency to develop a more realistic development schedule and appear to be making an earnest effort to keep the project moving forward. Redevelopment Agency staff supports these proposed changes.

Zoning Regulations: Under FMC Section 8-21814, a Major Amendment to a planned district, must comply with standards for the establishment of a Planned District set forth in section 8-21811. In addition, the City Council must make the following findings to approve the amendment for this project under FMC Section 8-21813.

1. The proposed P district, or a given unit thereof, can be substantially completed within four years of the establishment of the P district;
2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district;
4. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission and the city council;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
6. The P district (as amended) is in conformance with the general plan of the City of Fremont; and
7. Existing or proposed utility services are adequate for the population densities proposed.

Since the purpose of the proposed major amendment is limited to allow for architectural changes, and the proposed development area, building coverage, project density (at 27 units to the acre), building height and setbacks, and parking program remain unchanged, no further analysis of these components are necessary (refer to Informational 1 for previous zoning analysis). The building design modifications

are analyzed under “Site Planning” and “Architecture”. The recommended findings for approval are set forth in Exhibit “C”.

Parking: The project provides 56 parking spaces in compliance with the required minimum of 55 parking spaces. Under FMC Section 8-22003 [Required parking spaces by type of use.], the 55 parking space minimum is calculated based on the proposed land use, as follows:

<i>Function</i>	<i>Standard per Unit</i>	<i>Units</i>	<i>Required Spaces</i>
2 or More Bedrooms for Occupants	1 covered, plus 0.5 uncovered (or optionally covered)	27	41
Additional Guest Parking	0.5 uncovered spaces	27	14
Total Required Parking:			55 spaces
Proposed Parking:			56 spaces

Inclusionary Housing: The development must meet the City’s Inclusionary Housing requirements through the inclusion of at least 15 percent of all residential units (in this case 4 moderate-income units of the 27 units in the project) as Below Market Rate (BMR) units as administered by the Office of Housing and Redevelopment.

Site Planning: The site is comprised of four parcels and is located at the south corner of Fremont Boulevard and Central Avenue. The site is flat at an elevation of 49 feet above mean sea level. The site is neither encumbered by existing utility easements nor is it constrained by any seismic hazards. The project site was initially developed with two single-family homes and a pharmacy. The buildings have been demolished and, except for two existing Magnolia trees, the site has been cleared for redevelopment.

The project site design has been developed to create:

1. A strong street presence along both Fremont Boulevard and Central Avenue.
2. One two-story and three three-story condominium buildings over a parking podium.
3. The buildings are set back street with stoops or porches facing Central Avenue and Fremont Boulevard.
4. Sufficient area to preserve a landmark Magnolia tree adjacent to Fremont Boulevard.
5. Compatibility with the area’s surrounding residential and commercial character, as well as adjacent potentially historic structures (i.e., the 1921-22 “Missions Holy Spirit Church”, 1926 Italian Renaissance bungalow style “De Luce Home”, and 1927 Prairie style “Holeman House and Medical Office”).
6. Raised landscape bio-filtration planters have been added to the base of buildings.

Staff finds that the proposed site design is consistent with the original approval.

Architecture: The proposed modifications change the previously approved design to a more subtle design with cleaner, simple lines. The simplified design is compatible with the neighborhood and larger character of the Centerville area. The design incorporates the application of stucco and horizontal

hardboard siding as the main cladding, and a stone veneer at the base of the buildings. Covered porches framed by wood square columns are proposed, including a larger wrap-around porch for the unit at the street corner. Window fenestration is consistent, but simplified. The proposed color palette is in earthtones of beige and gray shades. Lastly, the roof profile has been simplified with smaller and fewer gables.

Staff finds that the proposed modifications are acceptable. While some modifications described by the applicant were necessary from a construction and cost standpoint (e.g., stacking of utility and plumbing lines), the applicant's design team has agreed to several of staff's proposed modifications, including breaking-up long rooflines initially proposed and wrapping the porch at the corner building. The design remains simple in an attempt not to compete with the heavily detailed historic Holy Spirit Church, or the adjacent bungalow homes, such as the Prairie style Holeman House on the opposite corner. The architectural massing and color will provide variety and the landscape will provide added character, with new trees at the street and corner of the site, as well as preservation of one existing mature magnolia tree. The combination of the architectural style, building details and building massing create a compatible design that does not degrade the surrounding character. To this end, some additional recommendations should be explored to further enhance the design, as recommended (Conditions D-3, D-4, and D-5 of Exhibit "C"):

1. The applicant is encouraged to explore the possibility of providing a wrap-around porch for additional street-facing units at the southwest end of "Building One" facing Central Avenue and the southeast end of "Building Two" facing Fremont Boulevard.
2. The applicant should reconsider the design of the gable treatment of the last unit (or bay) at the southwest end of Building One to avoid a gable-ridge that is off center.
3. Final detailing of railing and fences should be submitted to staff during building permit review phase to ensure overall compatibility with the overall design.

Open Space/Landscaping: Both private and common open space areas are proposed. The area proposed for common open space (i.e., a 5,800 s.f. courtyard and a 560 s.f. community room) exceeds the minimum 1,600 s.f. required for a 27 unit development. Small green lawns provide for passive recreation surrounding the courtyard. The proposed central planter with a seat-wall anchors the center of the courtyard with a large specimen tree and ornamental plants to create a shady area for reading and conversation. Raised planters are proposed adjacent to the buildings for the inclusion of patio trees, ornamental shrubs and groundcover which helps complement the facades and define private open spaces. The private open areas are in the form of rear patios that open to the courtyard and front semi-private porches that open to either to the street or interior side yard areas.

Applicable Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities and traffic impact. Impact fee credits would be provided for qualifying structures proposed for demolition. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

This project is also located within Subarea 10 of the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan.

FISCAL IMPACT: None. Development of the proposed project would not result in a direct fiscal impact. At the time of building permit issuance, the applicant would be required to pay for applicable building permit fees. Payment of development impact fees may be deferred as permitted by City Ordinance.

ENVIRONMENTAL REVIEW: The City previously prepared and circulated a Initial Study (IS), Mitigated Negative Declaration (MND), and Mitigation Monitoring Program (MMP). The MND and MMP were adopted for development of a 27-unit residential project on the site. The environmental analysis identified concerns regarding potential impacts to interior noise. The approved Mitigated Negative Declaration includes a mitigation measure, which, if implemented, would reduce the identified interior noise impact to non-significant levels. The mitigation measure has been included as a condition of approval for this project. A more detailed description of the potential impact is provided within the Initial Study for the project, which along with the adopted Mitigated Negative Declaration is included as an enclosure (Informational “2”).

Because the proposed architectural modifications do not result in any intensification of the residential use analyzed by the MND, and that the project site and surrounding area’s environmental characteristics remain unchanged, no new impacts are identified that would cause preparation of additional environmental review.

ENCLOSURES:

Exhibits:

[Draft Ordinance](#)

[Exhibit “A” Planned District Zoning Map Exhibit \(P-2010-3\)](#)

[Exhibit “B” Planned District P-2010-3 Precise Plans](#)

[Exhibit “C” Recommended Findings and Conditions of Approval for Planned District P-2010-3](#)

Informational Items:

[Informational 1 September 2008 Approvals \(Planned District, Vesting Tentative Tract Map 7373, Preliminary Grading Plan, Resolution to Allow Removal of Declining Magnolia Tree\)](#)

[Informational 2 September 2008 Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program](#)

RECOMMENDATION:

1. Hold public hearing.
2. Find that the previously approved Mitigated Negative Declaration and Mitigation Monitoring Program (Informational 2) completed in compliance with the requirements of the California Environmental Quality Act (CEQA) are adequate for this project and that it reflects the independent judgment of the City.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City’s existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan’s Housing Chapter as enumerated within the staff report.
4. Approve the proposed project as shown on Precise Planned District P-2010-3 Plans, Exhibit “B,” based upon the Finding and Conditions of Approval set forth in Exhibit “C.”

5. Waive full reading and introduce an Ordinance amending the precise plan as set forth in Exhibit “B,” and renumbering Planned District P-2004-231 to a Planned District P-2010-3, as shown on PLN2010-0003 Planned District Zoning Map, Exhibit “A.”
6. Direct staff to prepare and the City Clerk publish a summary of the ordinance.

***2.10 SALE OF EXCESS CITY AND AGENCY PARCELS TO CALTRANS AND THE CONVEYANCE OF A STORM DRAIN EASEMENT TO CALTRANS FOR STATE ROUTE 238 (MISSION BOULEVARD AND NILES CANYON)**

Public Hearing (Published Notice) to Approve the Sale of Three Properties Owned by the City and the Redevelopment Agency Located at Essanay Place to the State Department of Transportation Needed for Spot Improvements Along State Route 238 (Mission Boulevard) and to Authorize the City Manager to Execute Grant Deeds, Easement Deed and Right-of-Way Agreement with the State Department of Transportation

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***Note:** A companion item is on the Redevelopment Agency's Agenda*

Executive Summary: The State Route 238 (Mission Boulevard) spot improvement project has been completed, with the City and Agency granting a Right of Entry to Caltrans to construct the project. The purpose of this report is to recommend that the City Council hold a Public Hearing and approve the sale of two parcels (APN # 507-0796-029-00 and APN # 507-0480-010-01 with 3,183 sq ft and 422 sq. ft, respectively) to the State of California, Department of Transportation (Caltrans) for the State Route 238 (Mission Boulevard) spot improvement project for a total of \$12,817.12. The smaller parcel on the east side of Mission Boulevard is a portion of Vallejo Mill Historic Park. The proceeds from the sale of this parcel, APN # 507-0480-010-01 (\$6,544.91), will go directly to Vallejo Mill Historic Park (PWC 7617). In addition, staff recommends Council approve granting Caltrans a relocated storm drain easement on a portion of the park property. Also, authorize the City Manager or his designee to execute grant deeds, storm drain easement and right-of-way contracts with the State of California, Department of Transportation. A public hearing is required because one of the parcels to be acquired in fee is parkland.

BACKGROUND: In August 1986, the Alameda County Board of Supervisors adopted the Alameda County Transportation Ordinance. The ordinance was placed on the November 1986 electoral ballot as Measure B and was approved by the voters. The purpose of Measure B was to construct various highway improvements, including the widening of Mission Boulevard near Niles Canyon Road and Mowry Avenue in Fremont. Measure B provided for the creation of the Alameda County Transportation Authority (ACTA).

The California Department of Transportation (Caltrans) and ACTA entered into a cooperative agreement for the purpose of constructing spot improvements along State Route 238 (Mission Boulevard). Caltrans was designated the lead agency in securing the environmental clearance and the necessary right of way requirements for the Niles Canyon Road and Mowry Avenue spot improvements. As a result of this project, two City-owned properties and two Redevelopment Agency-owned properties are impacted, as shown on the attached map. The City and Agency granted Caltrans a right of entry to construct the project.

Three of the properties are located at the terminus of Essanay Place court and west of Mission Boulevard. Two of the three properties at the terminus of Essanay Place are vested in the name of the Redevelopment Agency and are identified by APNs 507-0796-068-00 and 507-0796-028-00. The third property is vested in the name of the City and is identified as APN 507-0796-029-00. These three parcels were dedicated remnants of Tract 4511 with a recorded date of September 4, 1981. Caltrans will acquire the entire area of each of the three Essanay Place parcels (2,930 sq. ft., 3,183 sq. ft and 330 sq. ft.) The fourth property to be acquired by Caltrans is located at the east side of Mission Boulevard and is part of the Vallejo Mill Historic Park, as shown on the attached map, and is vested in the name of the City and is identified as APN 507-0480-010-01. The Vallejo Mill Historic Park acquisition parcel consists of 422 square feet and a 1,591 square foot storm drain easement over a portion of the Vallejo Mill Historic Park. The fourth parcel is part of the larger park parcel acquired by the City of Fremont on October 10, 1981 and is not improved with any park facilities.

The Essanay parcels are required for relocation, installation and maintenance of the sound wall along the west side of Mission Boulevard. Currently, there is no proposed use or future project for the Essanay Place parcels. The parcels are not independently developable. The Vallejo Mill Historic Park parcel is also required for the installation and maintenance of the sound wall along the east side of Mission Boulevard. The City required construction of a sidewalk around the historic mill foundation in the park. This was necessary in order to preserve the structure of the historical foundation. The Vallejo Mill parcel is a proposed fee acquisition of 422 square feet. In addition Caltrans will acquire a 1,591 square foot storm drain easement over a portion of Vallejo Mill Historic Park (the storm drain easement varies in width between 1 and 20 feet and is approximately 115 feet long). Caltrans had a pre-existing storm drain easement over a portion of the park parcel as shown in red on the attached map and as a result of the spot widening project had to relocate the storm drain easement. Caltrans will abandon the pre-existing storm drain easement and will quitclaim the storm drain easement back to the City. The new storm drain easement will not impact the use of the park.

The sale of surplus property is covered under Government Code sections 54220-54322 and provides that surplus property must first be offered for sale or lease to housing, parks, open space and school districts. However, Government Code section 54221 defines “exempt surplus land” as any property which is a) less than 5,000 square feet in area; b) less than minimum legal residential building lot size, or c) has no record access and is less than 10,000 square feet in area and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low and moderate income housing purposes. In this instance, the parcels to be sold are less than 5,000 square feet and, therefore, meet the definition of exempt surplus property.

The sale of the park parcel (422 square feet) is subject to the requirements of the Public Park Preservation Act (Act) (Public Resources Code sections 5400 et.seq). Section 5404 of the Act provides that if less than ten percent of the park land, but not more than one acre, is acquired for a nonpark use, the City Council may, after holding a public hearing and voting on the item, use the sale proceeds to improve the remaining portions of the park instead of acquiring substitute park land. Here the area to be sold (422 square feet) is less than 10% and is not more than one acre of the larger park parcel. The larger park parcel consists of 10.42 acres or 453,669 square feet. Staff recommends using the sale proceeds to improve Vallejo Mill Historic Park instead of acquiring substitute park land because the acquisition area is so small and there is no equivalent land for sale in the park area. The proceeds from the sale of the park parcel (\$6,544.91) will go directly to Vallejo Mill Historic Park (PWC7617 fund 501) and will be

used to improve the park. Staff has determined that the compensation amount is equal to the cost of acquiring substitute parkland.

Acquisition of interests in park land for the construction or maintenance of underground utility services, such as storm drain facilities, are not subject to the requirements of the Act. No compensation is being given for the storm drain easement because it is roughly in the same location as the abandoned easement and is roughly the same size.

The City/RDA granted rights of entry to Caltrans on December 12, 2000, and granted an extension on January 6, 2004, so that the spot-widening project could be advertised, awarded, and remain on schedule. Initially, Caltrans sought only partial acquisitions from the Essanay Place parcels. As a result of subsequent meetings with ACTA and Caltrans regarding construction details, City staff felt that the Essanay Place acquisition remnants were uneconomic and presented a future economic and maintenance burden. City staff recommended full acquisition of the Essanay Place parcels as a way to relieve the City/RDA of long-term liability as well as maintenance costs and responsibilities. Caltrans recommended acquiring the Essanay Place parcels at no cost via donation. Ultimately, both ACTA and Caltrans agreed to the City's request for full acquisition and fair market payment for all parcels.

On February 16, 2010, the City/RDA received an offer letter from Caltrans to acquire the four City/RDA owned parcels for a total of \$30,987.42 (\$12,817.12 for the City parcels and \$18,170.30 for the RDA parcels). Staff has reviewed the appraised values and has concluded that they represent the fair market value of the properties.

City staff has determined that:

1. The Essanay Place "remnant" parcels meet the definition of exempt surplus land under Government Code section 54221 and, therefore, are not surplus property which must be offered for sale or lease to housing, parks, schools and other agencies.
2. A Planning Commission finding of General Plan conformity under Government Code section 65402 is not necessary because City Council Resolution No. 9216 created an exemption for minor dispositions of property.
3. The conveyance is not subject to street vacation procedures because these remnants were not a part of street right of way. (Streets and Highways Code section 8300 and following.)
4. Sale of the park parcel and use of the proceeds to improve Vallejo Mill Historic Park rather than to acquire substitute parkland is authorized by Public Resources Code Section 5404.

FISCAL IMPACT: The \$6,544.91 funds received for the sale of a portion of the Vallejo Mill Historic Park property should be deposited into 501PWC76173920. The \$6,272.21 funds received for the sale of the City owned property adjacent to Essanay place should be deposited in the general fund account 001.0000.3920.

ENVIRONMENTAL ANALYSIS: For the spot widening project of Mission Boulevard near Niles Canyon Road and Mowry Avenue in Fremont, Caltrans prepared the environmental document and received environmental clearance in the form of a Negative Declaration on January 19, 1996. Caltrans acquisition of property was contemplated as part of the original project description in the adopted Negative Declaration. The associated improvements of the original project are in place and no additional

improvements are proposed for the subject parcels. No further environmental review is required for the sale of the subject parcels.

ENCLOSURE: [Parcel Map](#)

RECOMMENDATION:

1. Hold a Public Hearing.
2. Find that less than ten percent and not more than one acre of the Vallejo Mill Historic Park is to be acquired by Caltrans and authorize use of the sale proceeds to improve the remaining portion of Vallejo Mill Historic Park (PWC8617 fund 501) rather than acquire substitute park land.
3. Approve the sale to Caltrans of a 422 sq. ft. portion of Vallejo Mill Historic Park parcel (APN 507-0480-010-01) for \$6,544.91 and deposit the funds into 501PWC76173920, and authorize the appropriation of funds, and of (1) Essanay Place parcel (APN 507-0796-029-00) for \$6,272.21 and deposit the funds into 001.0000.3920, and conveyance to Caltrans of a relocated 1,591 sq. ft. storm drain easement and authorize the City Manager or designee to execute Grant Deeds, Easement and Right-of-Way contracts to the State of California, Department of Transportation.

5.1 NILES BOULEVARD STREET IMPROVEMENTS

Public Hearing to Consider City Council Approval of Project No. 8666 (PWC), Street Improvements and Configuration of Niles Boulevard between Sullivan Underpass and the old California Nursery Site. A Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

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Executive Summary: The purpose of this report is to recommend that the City Council approve the street configuration and improvements for Niles Boulevard Street Improvements, City Project No. 8666 (PWC) and adopt the Negative Declaration (PLN2010-00126) prepared for this project.

BACKGROUND: The 2007/08-2011/12 CIP budget funded \$2,790,000 for the Niles Boulevard Reconstruction project from Sullivan Underpass to the old California Nursery site. In 2008, the Redevelopment Agency's Project Appropriation Plan appropriated \$250,000 to the project. Subsequent to that, the 2009/10-2013/14 CIP budget funded an additional \$200,000 and the 2009 Redevelopment Agency's Project Appropriation Plan appropriated an additional \$44,000, to bring the total funded budget for this project as \$3,284,000. Niles Boulevard is currently shown on the City of Fremont's General Plan as an arterial street but functions as a collector. The proposed project will maintain the same lane configuration with some minor adjustments, detailed below, to conform to the current City of Fremont standards for residential collectors. The draft General Plan 2030 will propose that Niles Boulevard become a collector street since it is also neighborhood serving.

A community meeting was held on October 28, 2009 at the American Legion Veteran's Hall. The proposed project was presented to the community by City staff and was generally well received. Approximately forty homeowners and interested persons attended the meeting. Staff compiled the questions and concerns of the community and subsequently made modifications to the proposed street configuration. In addition, staff has posted the responses and the proposed street configuration on the City's website.

Following the community meeting, an Initial Study was completed for the project and a draft Negative Declaration was prepared by city staff in accordance with the requirements of the California Environmental Quality Act (CEQA). The project and draft Negative Declaration were reviewed by the Historical Architectural Review Board (HARB) at its meeting on February 4, 2010, at which time HARB recommended City Council approve the project as proposed and adopt the Negative Declaration.

DISCUSSION/ANALYSIS: The proposed project will provide the following improvements on Niles Boulevard between Sullivan Underpass and the old California Nursery site just east of Hillview Drive: replacement of the deteriorated pavement with a full depth asphalt section, removal of the sub-standard

curb, gutter and sidewalk and construction of standard curb, gutter, sidewalk, driveways, and ADA compliant ramps and installation of new storm drain facilities and striping and signage. In addition, the project will construct bulb-outs at the intersections of Niles Boulevard and the following streets: D Street, E Street, F Street and Hillview Drive. Speed tables will also be installed at three of these intersections, at D Street, F Street and Hillview Drive, as suggested in the Niles Concept Plan.

One existing Coast Live Oak tree along the frontage of 37049 Niles Boulevard is in conflict with the new sidewalk and existing overhead power lines and will be removed and replaced with a new street tree in accordance with the City's Tree Preservation Ordinance requirements and as recommended by HARB. An adjacent larger Coast Live Oak tree will be preserved in its current location just behind the new sidewalk and will be provided more room to grow with the removal of the smaller tree. No other trees or landscaping will be installed, however planter strips will be created as part of the street configuration. The planter strips will be the responsibility of the fronting homeowner. They will be backfilled with topsoil, covered by mulch and served by an irrigation sleeve for easier use by the fronting homeowner.

The Niles Boulevard Street Improvement project as presented in Exhibit "B" encompasses the following key design elements: 1) Pavement & Sidewalk Modifications; 2) Traffic Calming Devices; 3) Driveway Replacements; 4) Utility Relocations; and 5) Property and Construction Impacts. These key design elements are discussed in detail below:

1) Pavement & Sidewalk Modifications: Existing condition - Almost the entire length of Niles Boulevard has an existing curb to curb width of 40-feet, which includes a deteriorated paved surface, and sub-standard four-foot wide sidewalks on both sides. Past pavement overlays have reduced the curb height to less than 3 inches along Niles Boulevard. The majority of the sidewalk is monolithic but some portions of the sidewalk are separated from the curb by a planter strip. The existing right-of-way along Niles Boulevard varies between a minimum of 50-feet to a maximum of 60-feet. Proposed condition – Pursuant to the current City of Fremont standard detail for a residential collector street, staff is proposing that the existing curb to curb width be reduced from 40-feet to 38-feet with a minimum of 5-foot wide sidewalk on both sides. The sidewalk location (separated or monolithic) is governed by the right-of-way width. The nominal reduction in pavement width achieves compliance with current City of Fremont street standards and allows compliance with pedestrian accessibility requirements, which specify a five foot sidewalk width. The reduction in pavement width along with specific traffic calming measures as described below is expected to reduce speeding. Both the existing and proposed conditions are shown in Exhibit "B".

2) Traffic Calming Devices: Policy T-9 of the "Niles Concept Plan" adopted by the City Council in 2001, suggests that raised pedestrian crosswalks could be placed at either end of Niles Boulevard to create an identifiable "slow zone" for vehicular traffic. "Residential Traffic Calming Program," adopted by the City Council in 2002, also states that in order to reduce vehicle traffic speeds on two-lane residential streets and to enhance safety for residents, pedestrians, bicyclists and motorists, narrowing of streets at intersections (neck-downs or bulb-outs) and installation of raised pedestrian crosswalks/speed tables as traffic calming devices is recommended. Both of these devices meet the criteria specified in the "Residential Traffic Calming Program". Speed surveys conducted on Niles Boulevard at the Hillview Drive intersection indicates that there is a speeding problem, with 15% of traffic traveling at 33 mph or greater. Based on these findings, staff proposes installation of curb bulb-outs at the intersections on

Niles Boulevard between Sullivan Underpass and the old California Nursery site. The bulb-outs will enhance pedestrian safety by narrowing the distance that pedestrians will have to cross and the installation of speed tables will elevate the crosswalks to improve the visibility of pedestrians in the crosswalk and cause the vehicles to slow down. Initially staff had proposed installation of two speed tables at the Niles Boulevard/Hillview Drive and Niles Boulevard/E Street intersections, but based on neighborhood requests to improve the pedestrian crossing in the vicinity of Niles Elementary School on Second Street and E Street, staff added a third speed table at the Niles Boulevard/D Street intersection. Similar installations of speed tables in other cities have shown an average speed reduction of up to 10 mph. The locations and the details of the proposed speed table/pedestrian crossing and bulb-outs are shown on Exhibit “B”.

3) Driveway Replacement: Existing driveway widths vary significantly within the project limits. Also, some of the existing home frontages have been modified with garage conversions, carport additions, and additional concrete paving in front yards. In some cases, existing lots have both a garage and a carport. In order to be fair, consistent, and uniform in the driveway replacements and also to be compliant with the City standard details, the street configuration plan, as presented in Exhibit “B”, implements the following standards for driveway replacement:

Existing Condition	Minimum Driveway Width	Maximum Driveway Width
Single car garage or carport	8 ft	14 ft
Single car garage with additional covered/uncovered carport in side yard	8 ft *	14 ft *
Two car garage	14 ft	20 ft
Two car garage with additional covered/uncovered carport in side yard	14 ft *	20 ft *
Joint use driveways	10 ft	14 ft **
No garage or carport	***	***

- * Only one conforming driveway to the garage will be provided per lot. Extra wide existing driveways will not be replaced in kind. Side yard parking or carport locations will not be served by a driveway if a garage front is visible and in use.
- ** The joint use driveways shall be widened to the extent possible up to a maximum of 16 feet.
- *** Currently two properties (both church owned) do not have either a garage or a carport. Based on their current use, no driveways will be installed.

All the replacement driveways will conform to the existing on-site driveway approach. Staff will be securing 10 foot wide temporary construction easements (TCEs) across the frontages of all affected lots to ensure a smooth transition between the existing driveway approach and the new driveway.

4) Utility Relocations: Due to the street reconfiguration changes outlined above, all of the covers, rims, and tops of existing underground utility structures will have to be lowered by their respective utility agencies prior to the paving work and then raised to the final grade after the paving is complete. The existing overhead joint poles with street lights along the south side of Niles Boulevard will remain as is and are not required to be relocated or removed as part of this project. Alameda County Water District (ACWD) is planning to replace the existing 50 year old water main with a new 12-inch water main along Niles Boulevard within the project limits. New water services for all fronting property owners will

be installed in roughly the same location as the existing water service. ACWD may upgrade existing water meters based on their condition. The removal and replacement of the water main is currently in design phase and will be executed by ACWD as a separate project prior to the street improvement project.

The existing six-inch Union Sanitary District (USD) sewer main between Hillview Drive and E Street is shallow and the proposed necessary lowering of the street pavement will cause potential conflicts. Union Sanitary District (USD) has evaluated this portion of sewer main and has decided to upgrade and lower the sewer main. USD plans to install approximately 2000 linear feet of new sewer main, much of it beyond the limits of the City project. Staff has verified the depths of some existing sewer laterals by potholing and has determined that the laterals are too shallow and will conflict with the new section or will potentially be damaged during construction of the new pavement. Because the maintenance of sewer laterals is not the responsibility of USD, USD will not replace the laterals from the new main line to each property to a lower depth. As a result, staff proposes to install new laterals at a lower depth and connect them to the new main prior to the paving work. The removal and replacement of the existing sewer main is currently in design phase and will be executed by USD as a separate project immediately after the proposed ACWD replacement project and prior to the City of Fremont street improvement project.

5) Property and Construction Impacts: In addition to the usual impacts related to construction, the proposed street improvements will also impact property rights of some homeowners. In order to install a standard residential sidewalk fronting one parcel on the southwest corner of Niles Boulevard and F Street, the city will need to acquire 5-feet of additional right-of-way. Additionally, due to the existing location of the overhead joint poles and AC Transit requirement of expanded walkways at bus stops for loading/unloading of passengers, the City will need to acquire Pedestrian Easements (PE) from three other properties. The City will also need to acquire Temporary Construction Easements (TCEs) from almost all fronting properties, which will enable construction of on-site conforms for new driveways.

The project specifications will require that the contractor maintain the street open to traffic and provide pedestrian access at all times. On-street parking may be restricted at times. On-street parking on side streets is available for affected property owners. Motorists and property owners will be notified in advance by the contractor of any changes in the street configuration that might limit access to and from their homes.

FISCAL IMPACT: This project will not create additional maintenance services beyond those already required.

PROJECT COSTS AND FUNDING:

The following is a summary of estimated project costs:

Total Staff Costs (To Date)	\$ 180,000
Design Staff Costs Remaining	\$ 120,000
Right-of-Way Acquisition and Staff Costs	\$ 166,000
Construction Inspection, Surveying and Administration	\$ 300,000
Construction	\$2,000,000

Other Miscellaneous Costs (Consultants, Printing, etc.)	\$ 30,000
Construction of Sewer Laterals (Estimated)	\$ 250,000
Project Contingency (10%)	<u>\$ 200,000</u>

Estimated Total Project Costs: \$3,246,000

The estimated total project costs include a 10% contingency. As more detailed plans are developed, the estimated costs will be refined.

Funding for the project is as follows:

Fund 132	State Gas Tax 2106 Fund	\$ 480,000
Fund 142	Gas Tax 2105 Fund	\$ 1,420,000
Fund 508	ACTIA Measure B-Local Street/Road	\$ 1,050,000
Fund 526	Prop 42 Traffic Congestion AB2928	\$ 40,000
Fund 951	Fremont Redevelopment Fund	<u>\$ 294,000</u>
Estimated Available Funding Total:		\$ 3,284,000

ENVIRONMENTAL REVIEW: An Initial Study and Negative Declaration were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) (see Exhibit "A" and Informational Item #1). The Negative Declaration found that the project would not have a significant impact on the environment. A draft of the environmental document was circulated for public review and comment from January 15, 2010 through February 4, 2010. No comments on the draft environmental document were received during this public review period, and the Historical Architectural Review Board subsequently recommended, at its meeting on February 4, 2010, that City Council adopt the Negative Declaration.

ENCLOSURES:

Exhibits:

- ["A" – Negative Declaration](#)
- ["B" – Street Improvement Project Plans](#)
- ["C" – Historical Architectural Review Board Recommended Conditions of Approval](#)

Informational Items:

1. [Initial Study](#)
2. [Minutes from February 4, 2010 Historical Architectural Review Board Hearing](#)

RECOMMENDATIONS:

1. With respect to the negative declaration:
 - a. Consider the negative declaration for the Niles Boulevard street improvement project attached to this report and all other information submitted in the staff report, and any oral or written testimony and find that:
 - i. There is no substantial evidence on the basis of the whole record before it that the project as described in the negative declaration will have a significant impact on the environment.
 - ii. The negative declaration reflects the independent judgment and analysis of the City of Fremont.

- b. Approve and adopt the Negative Declaration.
 - c. Specify the Planning Division of the Community Development Department at 39550 Liberty Street as the location and custodian of the documents which will constitute the record of proceedings upon which the decision is based.
2. Approve the street configuration design for the Niles Boulevard Street Improvement Project from Sullivan Underpass to the old California Nursery site, as shown in Exhibit “B,” City Project No. 8666(PWC), subject to the recommended Conditions of Approval in Exhibit “C.”

6.1 Report Out from Closed Session of Any Final Action

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Direct Staff to Review Nomination Package of the Niles Canyon Transcontinental Railroad Historic District to the United States Department of the Interior National Park Service and Return to Council with Recommendations and Findings

Fremont resident and historian, Mr. Al Minard, submitted a nomination to the United States Department of the Interior, National Park Service, for an 11.8 mile-long segment of the Niles Canyon railway as it passes through Niles Canyon, Sunol Valley, and Arroyo de la Laguna, to be added to the National Register of Historic Places.

The State Historical Resources Commission (SHRC) intends to consider and take action on the nomination on April 20, 2010 in Sacramento. Local agencies may provide comment to the SHRC on this nomination. In order for the SHRC to have adequate time to consider written comments, the comments need to be received by April 15, 2010.

All National Register properties are automatically included in the California Register of Historical Resources.

I am seeking Council support to direct staff to review and consider the nomination package and return to the City Council on April 6, 2010 with any finding and recommendations.

ENCLOSURES:

- [Letter of Intent to Consider from the State Department of Parks and Recreation, Office of Historic Preservation](#)
- [National Register of Historic Places Nomination Package](#)

8.1.2 MAYOR WASSERMAN REFERRAL: Appointments to advisory bodies with terms expiring as follows:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Environmental Services Advisory Commission	Isabelle McAndrews (Public at Large)	December 31, 2013
	Alexander Chung (Youth)	December 31, 2013
George W. Patterson House Advisory Board	John Herndon (Public at Large)	December 31, 2013

ENCLOSURES: [Commission Applications](#)

8.1.3 COUNCILMEMBER WIECKOWSKI REFERRAL: Request the City Council to Consider Adopting a Resolution Supporting the Blue Ribbon Commission Report “Commitment is a Two-Way Street: Toyota, California and NUMMI”

I am requesting City Council consider adopting a resolution to recognize and support the white paper prepared for the “Toyota NUMMI Blue Ribbon Commission” entitled “Commitment is a Two-way Street: Toyota, California and NUMMI.”

The Toyota Blue Ribbon Commission was appointed by California State Treasurer Bill Lockyer and convened to examine Toyota’s proposed April 1, 2010 closure of NUMMI. Commissioners included a broad spectrum of interested parties including elected representatives from the State, Alameda County, California Federation of Labor, the Port of Oakland, Consumer Federation of California, Fremont Chamber of Commerce, the Sierra Club, the Presbyterian Church, Danny Glover and the Mayor of Fremont. The Commission met in late February and released a “White Paper” which was written by Professor Harley Shaiken from the University of California, Berkeley. This report addresses the importance of the NUMMI plant for the state and regional economy and was presented in Japan to Toyota executives who met with Commission members in early March.

ENCLOSURES:

- [Draft Resolution](#)
- [“Commitment is a Two-Way Street: Toyota, California and NUMMI”](#)

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
March 30, 2010 (5 th Tuesday)		No City Council Meeting		
April 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 20, 2010	TBD	Work Session	Council Chambers	Live
April 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 3, 2010	4:00 p.m.	Joint City Council/FUSD Board Meeting	Council Chambers	Live
May 4, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 11, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 18, 2010	TBD	Work Session	Council Chambers	Live
May 25, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 1, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 8, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 15, 2010	TBD	Work Session	Council Chambers	Live
June 22, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 29, 2010 (5 th Tuesday)	TBD	No City Council Meeting		
July 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 20, 2010	TBD	Work Session	Council Chambers	Live